

# Reform of Environmental Administration

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by Lloyd Axworthy  
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The Institute of Urban Studies





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by

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## REFORM OF ENVIRONMENTAL ADMINISTRATION

This summer law students working for the Institute of Urban Studies examined the administration of the housing code in the City of Winnipeg. The code itself is limited, applying only to commercial rental property. But, this was not the major objective of the study. It was designed primarily to assess how well the different agencies and tribunals of government process their particular laws aimed at maintaining the physical environment in the city.

What the study showed was that the law had almost no effect in providing any preservation or maintenance of older homes. The inspection staff of the city was too undermanned and underskilled to give anything but perfunctory attention to complaints from tenants on bad housing conditions. If and when a report on an infraction was filed it was treated as a low priority by city solicitors and many months would pass before notice was served on the owner to repair his property. Often these notices would be ignored by the owners who obviously preferred to go to court.

The reason for their preference was understandable when one examined how cases on the building code were dealt with by the magistrates court. Long periods would elapse before the case was tried, and the penalties were so low as to constitute only a minor annoyance to the miscreant property owner, rather than a major deterrent. The result was that the code had little effect in protecting the tenant or the community. The system of administering the

law was one-sided and ineffective. Control over the deterioration of the housing stock was lost. The whole process was viewed by those involved as a bureaucratic necessity to be exercised with minimum zeal and less than minimum competence.

Another study of last summer, also conducted by law students, centered on the land development process - a different aspect of the problem of urban environmental management. In this case, the study shows a number of weaknesses in the planning methods used to shape the urban environment in Winnipeg. First is the lack of any meaningful participation by the public in choosing planning goals or objectives. Most of the major development plans, those dealing with Winnipeg's downtown development transportation system and urban renewal plans were based upon the values and goals of a few planners and officials, not the citizens. There was no effort by local authorities to provide alternative plans, no effort to improve public awareness or interest through education, no effort to solicit opinion or determine the needs of citizens who were to be affected by the plans. The elected officials who presumably are there to provide a link with the public were captive to the planners and only mimicked what civic officials presented. Any effort at public education was to sell a program not explain alternatives. The public hearings that were held became forums for groups such as the Chamber of Commerce, Downtown Businessmen and Architects' Association. No other voices were heard. Apathy was not the problem. More at fault is the technique of public hearings which basically are an exclusionary device useable only by well-organized, middle class pressure groups. Yet it is the only access offered to citizens.

Secondly, the study showed that many of the planning instruments available to government are used poorly or not used at all. A list of particulars is as follows; the zoning laws have little beneficial effect as they are subject to so many variances and in their rigidity stifle creative land development; the tax system, particularly the property tax, encourages land speculation, and under-utilization of downtown property, thereby having a severe negative impact on the urban environment; the placement of major buildings and facilities by federal, provincial, local governments is determined almost solely by economic and political criteria, with no thought given to the impact on the environment; the processing of development plans and proposals by private developers is shrouded by secrecy so that very few citizens know what is going on; and the attitude of most municipal politicians and officials is against any form of citizen involvement as they see it as a way of preventing things from being done. In all, not a very comforting assessment.

The crux of what these two studies demonstrate is that planning presently used for shaping the urban environment is not very good, it is also not very democratic. Little is done to involve people in seeking to find out what people want, to develop awareness and interest in people on the choices available to them, to give access to people to make their views or grievances known, to insure that existing laws or regulations on environmental control are properly enforced, and to use available tools and resources in a useful, effective way.

This suggests that a priority objective in seeking a better urban environment must be an overhaul of the existing administrative, implementive machinery of environmental control. It is obviously more dramatic to seek new legislative proposals in the environmental field. It is also more socially satisfying to rail against the inequities of an unjust political system to explain why things are so bad but an area where some determined effort can have immediate impact is in the reform of the structures and practices of government now used for environmental control. Therefore, rather than directing attention, effort and resources, towards new laws, or philosophical tracts, a major thrust should be towards making the existing laws, rules and regulations work the way they are supposed to and to opening access to the bureaucratic system for the greater involvement of citizens.

Some brief suggestions on how this might be done are as follows:

- 1) supply information to the public on planning choices
- 2) develop methods of planning that offer alternatives to the public
- 3) organizing, perhaps on a trial basis, continue inter-jurisdictional of re-organization of tax, zoning, housing laws and regulatory instruments
- 4) providing greater resources for administering and processing environmental laws and rules
- 5) training more people with appropriate skills in urban environmental management

- 5) experimenting with new techniques of administrative decision-making, which involves outside, private interests, one example being the use of public-private urban development corporations now operating in several American cities.

There are other suggestions but these are sufficient to make the case that immediate action can be taken in changing administrative structures and decision-making procedures that could yield significant benefits in urban environmental development.